

REMARKS

With this amendment, Claims 1-17 are pending in the present application. Claims 1 and 15 have been amended. In view of the foregoing amendment and the following remarks, Applicant respectfully requests reconsideration and allowance of this application.

Examiner's Withdrawal of Prior Art Rejections

The Examiner indicated that all previous prior art rejections have been withdrawn because none of the prior art was determined to teach the specific *aluminous material component* (ii) of independent claims 1 and 15. However, Applicant would like to point out that the "aluminous material component" limitation is expressed as a member of a Markush group in both Claims 1 and 15. As such, it is not a necessary limitation in either claim. Thus, Applicant would like to confirm with the Examiner that the prior art references would remain withdrawn in view of the above.

35 U.S.C. § 112 Rejections

The Examiner also rejected Claims 1-17 under 35 U.S.C. § 112, second paragraph, as failing to set forth the subject matter which Applicants regard as their invention. Specifically, the Examiner indicated that Claims 1 and 15 is indefinite because the two "fly ash" limitations appear to be duplicative and redundant. To address the Examiner's concern, Applicant has amended Claims 1 to further distinguish the two "fly ash" limitations. Specifically, the "first fly ash" comprises fly ash having a predominant particle size of greater than about 10 microns. The "first fly ash" comprises the "larger size fraction" fly ash as described in the specification. (*See, e.g.,* page 7, table 1 and page 8, table 2) Similarly, the "second fly ash" comprises the smaller size fraction fly ash as described in the above referenced tables in the specification. With respect to Claim 15, Applicant has removed the "first fly ash" limitation altogether. As such, Applicant respectfully requests that this rejection be withdrawn.

The Examiner also pointed out that amendment to Claim 5 does not appear necessary as the terms were all included in the original claim. Applicant would like to thank the Examiner for his attention to detail. Furthermore, Applicant would like to cancel its previous amendment to Claim 5.

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35 U.S.C. § 132 Rejections

The Examiner also rejected Claims 15-17 under 35 U.S.C. §132 as the specification as originally filed does not provide support for the invention as is now claimed. Specifically, the Examiner indicated that the range of about "20 to 40%" regarding water reduction would appear to be new matter not support by the original disclosure. However, Applicant respectfully submits that this particular range of water reduction is clearly stated in Paragraph 54, Page 13 of the specification. Accordingly, Applicant respectfully requests that this rejection be withdrawn.


CONCLUSION

In view of the foregoing, Applicant respectfully submits that all pending claims of the present application are in condition for allowance, and such action is earnestly solicited. Should there be any impediment to the prompt allowance of this application that could be resolved through a teleconference, the Examiner is respectfully requested to call the undersigned at the number shown below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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